IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3602 OF 2004

IN

SUIT NO.2241 OF 2004

Jyotindra Shah, Proprietor of M/s.M.J.Enterprises. ... Plaintiff.

vs.

Jayesh B. Nagda. ... Defendant.

And

M/s.Rajdeep Plastic Containers (I) Pvt.Ltd. ...Respondents.

NOTICE OF MOTION NO.3605 OF 2004

IN

SUIT NO.2124 OF 2004

Jyotindra Shah, Proprietor of M/s.M.J.Enterprises. ... Plaintiff.

vs.

Jayesh B. Nagda. ... Defendant.

And

M/s.Rajdeep Realtors Pvt.Ltd. ...Respondent.

NOTICE OF MOTION NO.3604 OF 2004

IN

SUIT NO.2125 OF 2004

Jyotindra Shah, Karta of V.T.Nagda HUF.. ... Plaintiff.

vs.

Jayesh B. Nagda. ... Defendant.

And

M/s.Rajdeep Plastic Containers (I) Pvt.Ltd. ...Respondents.

NOTICE OF MOTION NO.3603 OF 2004

IN

SUIT NO.2126 OF 2004

Manan J. Shah ... Plaintiff.

vs.

Jayesh B.Nagda ... Defendant.

And

M/s.Rajdeep Plastic Containers (I) Pvt.Ltd. ...Respondents.

NOTICE OF MOTION NO.3611 OF 2004

IN

SUIT NO.2185 OF 2004

Rajbai Shah. ... Plaintiff.

vs.

M/s.Rose Impex. ... Defendant.

And

M/s.Rajdeep Plastic Containers (I) Pvt.Ltd. ...Respondent.

NOTICE OF MOTION NO.3601 OF 2004

IN

SUIT NO.2242 OF 2004

Jyotindra V. Shah. ... Plaintiff.

vs.

Jayesh B. Nagda. ... Defendant.

And

M/s.Rajdeep Plastic Containers (I) Pvt.Ltd. ...Respondents.

NOTICE OF MOTION NO.3600 OF 2004

IN

SUIT NO.2243 OF 2004

Nina Shah. ... Plaintiff.

vs.

Jayesh B. Nagda. ... Defendant.

And

M/s.Rajdeep Plastic Containers (I) Pvt.Ltd. ...Respondents.

Mrs.Rekha Shinde, for Plaintiff.

Mr.V.R.Dhond with Sanjay Kadam i/b. Kadam & Co.for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 17th June,2005

P.C.:-

1. By these Notices of Motion, an order of temporary injunction is sought against the persons who admittedly are not parties to the suits. Under Order 39 Rule 1 of Civil Procedure Code under clause (b) & (c) an order of injunction can be granted only against defendant and under clause (a) an injunction order can be made even against plaintiff at the instance of defendant also. But under Order 39 of Civil Procedure Code an order of temporary injunction can not be made against a person who is not a party to the suit. Hence, these Notices of Motion are completely misconceived and therefore, they are rejected.. Taking out such Notices of Motion result in abuse of process of Court and therefore, plaintiffs in the respective Notices of Motion are directed to pay Rs.5000/- as and by way of costs of the respective Notices of Motion to the respective Respondents.